1	EDMUND G. BROWN JR., Attorney General	
2	of the State of California PAUL C. AMENT	
3	Supervising Deputy Attorney General WENDY WIDLUS, State Bar No. 82958	
4	Deputy Attorney General California Department of Justice	
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6	Telephone: (213) 897-2867 Facsimile: (213) 897-9395	
7	E-mail: Wendy.Widlus@doj.ca.gov	
8	Attorneys for Complainant	PITE.
9	BEFORE THE RESPIRATORY CARE BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CAL	
11	In the Matter of the Statement of Issues Against:	Case No. S-372
12	in the Watter of the Statement of Issues Agamst.	OAH No. 2007030780
13	KHRISTOPHER R. MIDDAUGH 4732 Fairhope Drive	O/111 140. 2007030700
14	La Mirada, California 90638	STIPULATED SETTLEMENT AND AGREEMENT
15		THE TROITED HE
16	Respondent.	
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19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the	
20	above-entitled proceedings that the following matters are true:	
21	<u>PARTIES</u>	
22	1. Stephanie Nunez (Complainar	nt) is the Executive Officer of the
23	Respiratory Care Board of California. She brought t	his action solely in her official capacity and
24	is represented in this matter by Edmund G. Brown Ju	., Attorney General of the State of
25	Cantorna, by wondy widius, Deputy retorney Conorai.	
26	2. Respondent Khristopher R. Middaugh (Respondent) is representing	
27	himself in this proceeding and has chosen not to exercise his right to be represented by counsel.	
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3. On or about April 27, 2006, Respondent filed an application dated March 1 2 3, 2006, with the Respiratory Care Board of California to obtain a Respiratory Care Practitioner 3 license. 4 JURISDICTION 5 4. Statement of Issues No. S-372 was filed before the Respiratory Care Board 6 of California (Board), Department of Consumer Affairs, and is currently pending against 7 Respondent. The Statement of Issues and all other statutorily required documents were properly 8 served on Respondent on February 21, 2007. Respondent timely filed his Notice of Defense 9 contesting the Statement of Issues. A copy of Statement of Issues No. S-372 is attached as 10 Exhibit A and incorporated herein by reference. 11 ADVISEMENT AND WAIVERS 12 5. Respondent has carefully read, and understands the charges and allegations 13 in Statement of Issues No. S-372. Respondent has also carefully read, and fully understands the 14 effects of this Stipulated Settlement and Agreement. 15 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be 16 17 represented by counsel at his own expense; the right to confront and cross-examine the witnesses 18 against him; the right to present evidence and to testify on his own behalf; the right to the 19 issuance of subpoenas to compel the attendance of witnesses and the production of documents; 20 the right to reconsideration and court review of an adverse decision; and all other rights accorded 21 by the California Administrative Procedure Act and other applicable laws. 22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up 23 each and every right set forth above. 24 **CULPABILITY** 25 8. Respondent understands and agrees that the charges and allegations in 26 Statement of Issues No. S-372, if proven at a hearing, constitute cause for denying his application 27 for a Respiratory Care Practitioner license.

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9. For the purpose of resolving the Statement of Issues without the expense 1 2 and uncertainty of further proceedings, Respondent agrees that, at a hearing Complainant could 3 establish a factual basis for the charges in the Statement of Issues; WITHDRAWAL OF APPLICATION, STATEMENT OF ISSUES, 4 5 AND NOTICE OF DEFENSE 6 10. Respondent hereby withdraws his application for licensure, dated April 27, 7 2006: 8 11. Complainant withdraws the Statement of Issues, filed February 21, 2007; 9 12. Respondent hereby withdraws his notice of defense in Statement of Issues 10 Case No. S-372; 11 In exchange for the Board permitting and accepting Respondent's 12 withdrawal of his application for licensure, Respondent agrees not to reapply for licensure as a 13 Respiratory Care Practitioner in California for at least three years after the effective date of this 14 stipulation. Respondent agrees any application he submits for licensure as a Respiratory Care 15 Practitioner in California prior to three years after the effective date of this stipulation will not be 16 accepted or considered by the Board. 17 COST RECOVERY 18 14. To date, Complainant has incurred the sum of \$4,916.50 as costs of 19 investigation of the Statement of Issues. In exchange for the Board permitting and accepting 20 Respondent's withdrawal of his application for licensure, Respondent agrees he can only reapply 21 for licensure as a Respiratory Care Practitioner in California after this amount (\$4,916.50) has 22 been paid in full to the Respiratory Care Board. If this amount is paid prior to the three year 23 period referred to in paragraph 13 above, it will not shorten the three year waiting period required 24 to elapse before Respondent may reapply for licensure as a Respiratory Care Practitioner in 25 California. 26 /// 27 /// 28 ///

1	<u>CONTINGENCY</u>	
2	15. This stipulation shall be subject to approval by the Respiratory Care Board	
3	of California. Respondent understands and agrees that counsel for Complainant and the staff of	
4	the Respiratory Care Board of California may communicate directly with the Board regarding	
5	this Stipulated Settlement and Agreement, without notice to or participation by Respondent. By	
6	signing the Stipulated Settlement and Agreement, Respondent understands and agrees that he	
7	may not withdraw his Agreement or seek to rescind the stipulation prior to the time the Board	
8	considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,	
9	the Stipulated Settlement and Agreement shall be of no force or effect, except for this paragraph,	
10	it shall be inadmissible in any legal action between the parties, and the Board shall not be	
11	disqualified from further action by having considered this matter.	
12	<u>OTHER MATTERS</u>	
13	16. The parties understand and agree that facsimile copies of this Stipulated	
14	Settlement and Agreement, including facsimile signatures thereto, shall have the same force and	
15	effect as the originals.	
16	<u>ACCEPTANCE</u>	
17	I have carefully read the Stipulated Settlement and Agreement. I understand the	
18	stipulation and the effect it will have. I enter into this Stipulated Settlement voluntarily,	
19	knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory	
20	Care Board of California.	
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22	DATED: May 21, 2007.	
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24	Original signed by: KHRISTOPHER R. MIDDAUGH	
25	Respondent, IN PRO PER	
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1	ENDORSEMENT	
	ENDORSEMENT The formacing Stimulated Settlement is bench, normatticity automitted for	
2	The foregoing Stipulated Settlement is hereby respectfully submitted for	
3	consideration by the Respiratory Care Board of California, Department of Consumer Affairs.	
4		
5	DATED: May 29, 2007.	
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7	EDMUND G. BROWN JR., Attorney General of the State of California	
8	PAUL C. AMENT	
9	Supervising Deputy Attorney General	
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11	Original signed by:	
12	Original signed by: WENDY WIDLUS Deputy Attorney General	
13	Attorneys for Complainant	
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BEFORE THE 1 RESPIRATORY CARE BOARD OF CALIFORNIA 2 **DEPARTMENT OF CONSUMER AFFAIRS** STATE OF CALIFORNIA 3 4 In the Matter of the Statement of Issues Against: Case No. S-372 5 KHRISTOPHER R. MIDDAUGH OAH No. 2007030780 4732 Fairhope Drive 6 La Mirada, California 90638 7 8 Respondent. 9 10 **DECISION AND ORDER** 11 The attached Stipulated Settlement and Agreement is hereby adopted by the 12 Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in this 13 matter. 14 15 This Decision shall become effective on July 26, 2007. 16 It is so ORDERED July 11, 2007. 17 18 19 20 Original signed by: LARRY L. RENNER, BS, RRT, RCP, RPFT 21 PRESIDENT, RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS 22 STATE OF CALIFORNIA 23 24 25 26 27 28